

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ronald Mathis, #15685-018,)	
)	C/A No.: 8:05-3000-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Matthew B. Hamidullah, Warden,)	
)	
Defendant.)	
)	

Plaintiff Ronald Mathis is a federal inmate in custody of the Bureau of Prisons. Plaintiff, appearing pro se, brings a claim pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b), alleging that his personal property was mishandled during his transfer from the United States Penitentiary in Beaumont, Texas, to the Federal Correctional Institution in Estill, South Carolina.

This matter is before the court on Defendant's motion to transfer or, in the alternative, for summary judgment, which motion was filed March 21, 2006. By order filed March 22, 2006, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed a response to Defendants' motion on May 18, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On November 9, 2006, the Magistrate Judge filed a Report and Recommendation in which she recommended that Defendant's motion to transfer be denied and his motion for summary judgment be granted. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Accordingly, Defendant's motion to transfer is **denied** and his motion for summary judgment is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

December 8, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.